

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

In re:

Case No. 05-89175

MARY ELIZABETH BOBB,

Chapter 13

Debtor.

Judge Thomas J. Tucker

ORDER DENYING DEBTOR'S MOTION TO CONTINUE THE AUTOMATIC STAY

This case is before the Court on Debtor's "Motion to Continue the Automatic Stay," filed December 28, 2005 (Docket # 22). Debtor filed her voluntary petition for relief under Chapter 13 on November 4, 2005. Under 11 U.S.C. § 362(c)(3)(B),¹ a hearing on a motion for continuation of the automatic stay must be completed before the stay terminates under § 362(c)(3)(A), and, therefore, within 30 days of the filing of the case. In this case, Debtor filed her motion 54 days after filing her petition. This was untimely under the Court's local rules.² And by the time the motion was filed, the automatic stay had already terminated, to the extent described in § 362(c)(3)(A), no later than December 5, 2005. It is obviously impossible to complete a hearing on Debtor's motion to continue the stay within the required 30-day period, so the motion must be denied. Accordingly,

IT IS ORDERED that Debtor's "Motion to Continue the Automatic Stay" (Docket # 22) is DENIED.

Date: January 5, 2006

/s/ Thomas J. Tucker
Thomas J. Tucker
United States Bankruptcy Judge

¹ Citations to the Bankruptcy Code in this Order are to the Code as amended by the "Bankruptcy Abuse Prevention and Consumer Protection Act of 2005."

² Because of the statute's 30-day hearing deadline, L.B.R. 4001-6(a) (E.D.M.) provides that "[t]he deadline to file and serve a motion to extend the stay under 11 U.S.C. § 362(c)(3)(B) is 7 days after the petition is filed."